

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

GEORGE LOGUE,)
Plaintiff,)
v.)
MARTHA COAKLEY,) Civil Action No. 04-10822-DPW
ASSISTANT DISTRICT ATTORNEY, and)
COMMONWEALTH OF MASSACHUSETTS,)
Defendants.)

DEFENDANTS' MOTION TO DISMISS

Pursuant to Federal Rules of Civil Procedure 12(b)(1), (2), (4), (5), and (6), the Defendants, Martha Coakley, an unnamed Assistant District Attorney, and the Commonwealth of Massachusetts (collectively, the “Defendants”),¹ hereby move for dismissal of the Complaint² filed by Plaintiff George Logue (the “Plaintiff”). The Defendants are protected against this action by several forms of immunity. Moreover, the Plaintiff has asserted a number of deficient claims, but has failed to state any claim for which relief may be granted. He has also improperly neglected to identify each defendant.

¹ To date, neither the Commonwealth of Massachusetts nor the unnamed, defendant Assistant District Attorney has been properly served with process. In the interests of judicial economy, this Motion and the accompanying Memorandum of Law are filed and raise arguments on behalf of all three Defendants. By doing so, neither the Commonwealth nor the Assistant District Attorney intends to waive any affirmative defenses or arguments in support of dismissal that they may have on the basis of insufficiency of process or insufficiency of service of process. Both reserve their right to assert all such defenses and arguments, in the event that this Motion is not granted.

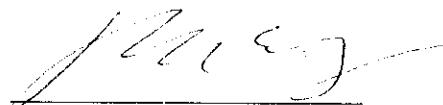
² The Plaintiff filed three separate documents, each of which contains its own caption and asserts a single cause of action. The three documents all bear the same case number and will thus be treated by the Defendants and referred to herein as one "Complaint."

In further support of this Motion, the Defendants rely upon and incorporate their Memorandum of Law filed herewith.

WHEREFORE, the Defendants request that this Honorable Court dismiss the Complaint in its entirety and grant such other relief as is just and proper under the circumstances.

Respectfully submitted,

THOMAS F. REILLY
Attorney General



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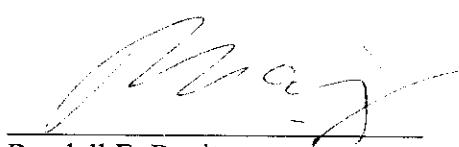
Dated: November 22, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served by first class mail, postage prepaid, on November 22, 2004 to:

George Logue
General Delivery
Boston, MA 02205

Pro se.



Randall E. Ravitz